

JOURNAL OF THE SENATE

EIGHTY-NINTH SESSION

NINTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, January 28, 2014

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Deacon Denny Davis, followed by the Pledge of Allegiance led by Senate page Jordan Hanson.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the eighth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

1 The oath of office was administered by the President to the following named persons:

2 Pages – Chelsie Beyl, Gina Elmore, Jordan Hanson, Jacey Jessop, Alexis Logue, Bailee
3 Matucha, Alex McLaury, Jason Samuelsen, Jacob Schoenbeck, Lorisa Schoenbeck, Alexis
4 Schubert

5 Which was subscribed to and placed on file in the office of the Secretary of State.

6 **COMMUNICATIONS AND PETITIONS**

7 August 14, 2013

8 The Honorable Matt Michels
9 President of the Senate
10 State Capitol
11 Pierre, SD 57501

12 Dear Mr. President and Members of the Senate:

13 Pursuant to the provisions of Chapter 1-16J, of the South Dakota Codified Laws and
14 subject to your consent, I am honored to inform you that I have appointed David R. Emery,
15 Pennington County, Rapid City, South Dakota, to the South Dakota Ellsworth Development
16 Authority.

17 This appointment is effective immediately, and shall continue until January 19, 2015

18 Sincerely,
19 Dennis Daugaard
20 Governor

21 The President announced the referral of the appointment to the Committee on Commerce
22 and Energy.

23 January 16, 2014

24 The Honorable Matt Michels
25 President of the Senate
26 State Capitol
27 Pierre, SD 57501

28 Dear Mr. President and Members of the Senate:

29 Pursuant to the provisions of Chapter 41-2 of the South Dakota Codified Laws and subject
30 to your consent, I am honored to inform you that I have appointed William S. Phillips, Meade
31 County, New Underwood, South Dakota, to the Game, Fish and Parks Commission.

This appointment is effective immediately, and shall continue until January 10, 2016.

Sincerely,
Dennis Daugaard
Governor

The President announced the referral of the appointment to the Committee on Agriculture and Natural Resources.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration SB 76 and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration the nomination of Lucas Lentsch of Pierre, South Dakota, to the position of Secretary of the Department of Agriculture and returns the same with the recommendation that the Senate advise and consent to the confirmation of said appointment.

Respectfully submitted,
Shantel Krebs, Chair

Also MR. PRESIDENT:

The Committee on Education respectfully reports that it has had under consideration the nomination of Marilyn Hoyt of Beadle County, Huron, South Dakota, to the South Dakota Board of Education and returns the same with the recommendation that the Senate advise and consent to the confirmation of said reappointment.

Also MR. PRESIDENT:

The Committee on Education respectfully reports that it has had under consideration the nomination of Glenna N. Fouberg of Brown County, Aberdeen, South Dakota, to the South Dakota Board of Education and returns the same with the recommendation that the Senate advise and consent to the confirmation of said reappointment.

1 Also MR. PRESIDENT:

2 The Committee on Education respectfully reports that it has had under consideration the
3 nomination of Kevin V. Schieffer of Lincoln County, Sioux Falls, South Dakota, to the South
4 Dakota State Board of Regents and returns the same with the recommendation that the Senate
5 advise and consent to the confirmation of said appointment.

6 Also MR. PRESIDENT:

7 The Committee on Education respectfully reports that it has had under consideration the
8 nomination of Joseph Schartz of Minnehaha County, Humboldt, South Dakota, to the South
9 Dakota State Board of Regents and returns the same with the recommendation that the Senate
10 advise and consent to the confirmation of said appointment.

11 Also MR. PRESIDENT:

12 The Committee on Education respectfully reports that it has had under consideration the
13 nomination of Bob L. Sutton of Hughes County, Pierre, South Dakota, to the South Dakota
14 State Board of Regents and returns the same with the recommendation that the Senate advise
15 and consent to the confirmation of said appointment.

16 Respectfully submitted,
17 Ryan Maher, Vice-Chair

18 Also MR. PRESIDENT:

19 The Committee on Judiciary respectfully reports that it has had under consideration SB 5
20 and returns the same with the recommendation that said bill do pass and be placed on the
21 consent calendar.

22 Also MR. PRESIDENT:

23 The Committee on Judiciary respectfully reports that it has had under consideration SB 2
24 and returns the same with the recommendation that said bill be amended as follows:

25 2ja

26 On page 1, line 6, of the printed bill, delete "may" and insert "is required to".

27 On page 1, line 9, delete everything after "for" .

28 On page 1, delete line 10, and insert "a nonviolent misdemeanor offense; and".

29 On page 1, line 11, after "child" insert "who is present at the time".

1 On page 1, after line 13, insert:

2 "The decision of an officer to arrest or not to arrest a victim on an outstanding warrant does
3 not constitute a cause of action against the officer, the law enforcement agency, the employing
4 entity, or any of the employing entity's employees."

5 And that as so amended said bill do pass.

6 Also MR. PRESIDENT:

7 The Committee on Judiciary respectfully reports that it has had under consideration SB 7
8 and returns the same with the recommendation that said bill be amended as follows:

9 7ja

10 On page 5, after line 21 of the printed bill, insert:

11 "Section 9. That § 23A-28C-4 be amended to read as follows:

12 23A-28C-4. For the purposes of this chapter, the term, victim, means any person being the
13 direct subject of an alleged act, which would constitute a crime of violence as defined by
14 subdivision 22-1-2(9), simple assault ~~between family or household members~~ against a protected
15 person as defined in subdivision 25-10-1(2), stalking as defined in chapter 22-19A, a violation
16 of chapter 22-22, or a driving under the influence vehicle accident, under the laws of South
17 Dakota or the laws of the United States. If the victim does not survive such act or is unable to
18 comment, the term, victim, means the members of the immediate family of the primary victim."

19 And that as so amended said bill do pass.

20 Also MR. PRESIDENT:

21 The Committee on Judiciary respectfully reports that it has had under consideration SB 3
22 and returns the same with the recommendation that said bill be amended as follows:

23 3ja

24 On page 2, line 5, of the printed bill, overstrike everything after "." .

25 On page 2, overstrike line 6.

26 And that as so amended said bill do pass and be placed on the consent calendar.

27 Respectfully submitted,
28 Craig Tieszen, Chair

1 MR. PRESIDENT:

2 The Committee on Commerce and Energy respectfully reports that it has had under
3 consideration SB 29 and returns the same with the recommendation that said bill be amended
4 as follows:

5 29ta

6 On page 5, line 16, of the printed bill, delete "definition".

7 On page 5, line 16, delete "\$" and insert "ARSD chapter 77:04:12;" .

8 On page 5, delete line 17.

9 On page 5, line 19, delete everything before "designated" .

10 On page 5, line 21, delete "§ 44:02:10:34" and insert "section 15 of this Act".

11 On page 6, line 8, delete "definition".

12 On page 6, line 8, delete "§ 74:04:12:01" and insert "ARSD chapter 77:04:12".

13 On page 10, line 8, delete "June 23, 2004" and insert "July 1, 2013".

14 And that as so amended said bill do pass and be placed on the consent calendar.

15 Also MR. PRESIDENT:

16 The Committee on Commerce and Energy respectfully reports that it has had under
17 consideration the nomination of James S. Towler of Union County, Dakota Dunes, South
18 Dakota, to the South Dakota Lottery Commission, and returns the same with the
19 recommendation that the Senate advise and consent to the confirmation of said appointment.

20 Also MR. PRESIDENT:

21 The Committee on Commerce and Energy respectfully reports that it has had under
22 consideration the nomination of Ronald Wheeler of Lawrence County, Lead, South Dakota, to
23 the South Dakota Science and Technology Authority, and returns the same with the
24 recommendation that the Senate advise and consent to the confirmation of said appointment.

1 Also MR. PRESIDENT:

2 The Committee on Commerce and Energy respectfully reports that it has had under
3 consideration the nomination of Marcia Hultman of Hughes County, Pierre, South Dakota, to
4 the position of Secretary of the Department of Labor and Regulation, and returns the same with
5 the recommendation that the Senate advise and consent to the confirmation of said appointment.

6 Also MR. PRESIDENT:

7 The Committee on Commerce and Energy respectfully reports that it has had under
8 consideration SB 72 which was deferred to the 41st Legislative Day.

9 Respectfully submitted,
10 Dan Lederman, Vice-Chair

11 **MESSAGES FROM THE HOUSE**

12 MR. PRESIDENT:

13 I have the honor to transmit herewith HB 1055, 1056, 1059, 1061, and 1064 which have
14 passed the House and your favorable consideration is respectfully requested.

15 Also MR. PRESIDENT:

16 I have the honor to transmit herewith HCR 1004 and 1005 which have been adopted by the
17 House and your concurrence is respectfully requested.

18 Respectfully,
19 Arlene Kvislen, Chief Clerk

20 **MOTIONS AND RESOLUTIONS**

21 HCR 1004: A CONCURRENT RESOLUTION, Recognizing Hot Springs as "The
22 Veterans Town."

23 Was read the first time, the President waived the referral to committee, and placed
24 HCR 1004 on the calendar of Wednesday, January 29, the 10th legislative day.

HCR 1005: A CONCURRENT RESOLUTION, Urging Congress and the President to secure the blessings of life and liberty for our posterity.

Was read the first time and referred to the Committee on Health and Human Services.

CONSIDERATION OF EXECUTIVE APPOINTMENTS

The Senate proceeded to the consideration of the executive appointment of Gloria Pearson of Yankton County, Yankton, South Dakota, to the position of Secretary of the Department of Human Services.

The question being "Does the Senate advise and consent to the executive appointment of Gloria Pearson pursuant to the executive message as found on page 72 of the Senate Journal?"

And the roll being called:

Yeas 35, Nays 0, Excused 0, Absent 0

Yeas:

Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

So the question having received an affirmative vote of a majority of the members-elect, the President declared the appointment confirmed.

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 89 Introduced by: The Committee on Health and Human Services at the request of the Office of the Governor

FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete provisions regarding the medical department of the National Guard.

Was read the first time and referred to the Committee on Health and Human Services.

SB 90 Introduced by: Senators Brown, Holien, Lederman, Maher, Novstrup (Al), Peters, Rave, Tidemann, Tieszen, Van Gerpen, and White and Representatives Gosch, Bolin, Cronin, Hoffman, Lust, Mickelson, Novstrup (David), and Romkema

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to the High School
2 Activities Association.

3 Was read the first time and referred to the Committee on State Affairs.

4 SB 91 Introduced by: Senators Krebs, Buhl O'Donnell, and Ewing and Representatives
5 Erickson and Heinert

6 FOR AN ACT ENTITLED, An Act to revise certain licensure definitions and provide
7 certain regulatory powers to municipalities.

8 Was read the first time and referred to the Committee on Local Government.

9 SB 92 Introduced by: Senator Maher and Representative Rounds

10 FOR AN ACT ENTITLED, An Act to require nondiscriminatory pricing between malt
11 beverage suppliers and malt beverage wholesalers.

12 Was read the first time and referred to the Committee on Commerce and Energy.

13 SB 93 Introduced by: Senator Vehle and Representative Verchio

14 FOR AN ACT ENTITLED, An Act to define liquid natural gas, to revise certain provisions
15 regarding the collection of the motor fuel tax, and to apply motor fuel tax to all fuels used to
16 propel a motor vehicle.

17 Was read the first time and referred to the Committee on Transportation.

18 SB 94 Introduced by: Senators Rave, Bradford, Brown, Jones (Chuck), Jones (Tom),
19 Lederman, Lucas, Maher, Rampelberg, Tidemann, and Welke and Representatives Cronin,
20 Bartling, Duvall, Feickert, Gibson, Johns, Lust, Munsterman, Ring, and Tyler

21 FOR AN ACT ENTITLED, An Act to appropriate money in order to fund the fiscal year
22 2014 health insurance shortfall for Board of Regents employees compensated from tuition, fees,
23 and other funds, and to declare an emergency.

24 Was read the first time and referred to the Committee on Appropriations.

25 SB 95 Introduced by: Senators Vehle and Ewing and Representatives Verchio and Duvall

26 FOR AN ACT ENTITLED, An Act to revise certain vehicle dealer licensing provisions.

1 Was read the first time and referred to the Committee on Transportation.

2 SB 96 Introduced by: Senators Tieszen, Brown, Jones (Tom), Kirkeby, Novstrup (Al),
3 Omdahl, and Rempelberg and Representatives Rozum, Bartling, Duvall, Kaiser, Kirschman,
4 and Solum

5 FOR AN ACT ENTITLED, An Act to exempt certain purchases for law enforcement, fire
6 protection, and emergency medical and transport services from the general provisions regarding
7 procurement of public safety equipment for the state and its political subdivisions.

8 Was read the first time and referred to the Committee on Judiciary.

9 SB 97 Introduced by: Senators Novstrup (Al), Brown, Heineman (Phyllis), Jones (Chuck),
10 Kirkeby, Krebs, and Maher and Representatives Greenfield, Ecklund, Hawley, Hunhoff
11 (Bernie), Kaiser, Munsterman, Schaefer, and Steele

12 FOR AN ACT ENTITLED, An Act to revoke professional or trade licensure obtained
13 through fraudulent degrees.

14 Was read the first time and referred to the Committee on Education.

15 SB 98 Introduced by: Senators Ewing, Frerichs, Kirkeby, Monroe, and Tieszen and
16 Representatives Romkema, Bartling, Gosch, Hoffman, Johns, Magstadt, Olson (Betty), and
17 Verchio

18 FOR AN ACT ENTITLED, An Act to allow certain municipalities to charge a higher
19 occupational tax.

20 Was read the first time and referred to the Committee on Taxation.

21 SB 99 Introduced by: Senator Rave and Representative Lust

22 FOR AN ACT ENTITLED, An Act to affect insurance.

23 Was read the first time and referred to the Committee on State Affairs.

24 SB 100 Introduced by: Senators Jones (Chuck), Jones (Tom), and Kirkeby and
25 Representatives Langer, Anderson, Erickson, Greenfield, Heinemann (Leslie), Kirschman,
26 Mickelson, Novstrup (David), and Solum

1 FOR AN ACT ENTITLED, An Act to provide for the filling of a vacancy if no person is
2 elected to succeed an elected official in municipalities.

3 Was read the first time and referred to the Committee on Local Government.

4 SB 101 Introduced by: Senators Monroe, Jensen, Lederman, Otten (Ernie), Rampelberg,
5 and Van Gerpen and Representatives Greenfield, Craig, Haggar (Don), Haggar (Jenna),
6 Schoenfish, Steele, and Wick

7 FOR AN ACT ENTITLED, An Act to ensure that a teacher may provide instruction in the
8 area of personhood before birth.

9 Was read the first time and referred to the Committee on Education.

10 SB 102 Introduced by: Senators Begalka, Bradford, Kirkeby, Lederman, Tieszen, and
11 Vehle and Representatives Erickson, Feinstein, Gosch, Hajek, Johns, and Stevens

12 FOR AN ACT ENTITLED, An Act to provide that, upon completion of certain
13 proceedings, magistrate judges may return or dispose of property taken in as evidence.

14 Was read the first time and referred to the Committee on Judiciary.

15 SB 103 Introduced by: Senators Vehle, Begalka, Ewing, Frerichs, Krebs, Omdahl, Otten
16 (Ernie), Van Gerpen, and Welke and Representatives Rozum, Bartling, Hickey, Hoffman,
17 Peterson, Rounds, Tulson, Tyler, and Verchio

18 FOR AN ACT ENTITLED, An Act to establish certain civil penalties for tampering or
19 removing any highway marker, sign, or control device and to distribute the revenue from such
20 civil penalties.

21 Was read the first time and referred to the Committee on Transportation.

22 SB 104 Introduced by: Senators Frerichs, Krebs, Maher, and Tidemann and
23 Representatives Feickert, Heinert, Peterson, Schaefer, and Werner

24 FOR AN ACT ENTITLED, An Act to authorize the hunting of coyotes using artificial light
25 under certain conditions.

26 Was read the first time and referred to the Committee on Agriculture and Natural
27 Resources.

1 SB 105 Introduced by: Senators Frerichs, Buhl O'Donnell, and Lucas and Representatives
2 Heinert and Munsterman

3 FOR AN ACT ENTITLED, An Act to enable persons completing certain state and local
4 government forms to decline to specify the person's race on the form.

5 Was read the first time and referred to the Committee on Local Government.

6 SB 106 Introduced by: Senators Rave, Otten (Ernie), and Peters and Representatives Otten
7 (Herman), Hickey, Hoffman, Magstadt, Rozum, Sly, and Wick

8 FOR AN ACT ENTITLED, An Act to identify criteria to deny a minor boundary change.

9 Was read the first time and referred to the Committee on Education.

10 The following bill was read on January 15, and today the President Pro tempore assigned
11 this bill to committee.

12 SB 23 was referred to the Committee on Judiciary.

13 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

14 HB 1055: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
15 references to the Internal Revenue Code.

16 Was read the first time and referred to the Committee on Taxation.

17 HB 1056: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding the
18 taxation, the licensing, and the regulation of motor vehicles.

19 Was read the first time and referred to the Committee on Transportation.

20 HB 1059: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
21 exemption of mass transit motor vehicles from licensing and registration fees and the motor
22 vehicle excise tax.

23 Was read the first time and referred to the Committee on Transportation.

1 HB 1061: FOR AN ACT ENTITLED, An Act to include limited liability companies in
2 certain provisions regarding the licensing of boats and motor vehicles and certain provisions
3 regarding the dealers and manufacturers of certain vehicles, manufactured homes, and mobile
4 homes.

5 Was read the first time and referred to the Committee on Commerce and Energy.

6 HB 1064: FOR AN ACT ENTITLED, An Act to repeal certain obsolete provisions and
7 references concerning weather modification programs.

8 Was read the first time and referred to the Committee on Local Government.

9 **SECOND READING OF CONSENT CALENDAR ITEMS**

10 SB 55: FOR AN ACT ENTITLED, An Act to repeal the contractor's excise tax on certain
11 new or expanded power production facilities.

12 Was read the second time.

13 The question being "Shall SB 55 pass?"

14 And the roll being called:

15 Yeas 35, Nays 0, Excused 0, Absent 0

16 Yeas:

17 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);
18 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;
19 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave;
20 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

21 So the bill having received an affirmative vote of a majority of the members-elect, the
22 President declared the bill passed and the title was agreed to.

23 SB 70: FOR AN ACT ENTITLED, An Act to codify legislation enacted in 2013.

24 Was read the second time.

25 The question being "Shall SB 70 pass?"

26 And the roll being called:

1 Yeas 35, Nays 0, Excused 0, Absent 0

2 Yeas:

3 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);
4 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;
5 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;
6 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

7 So the bill having received an affirmative vote of a majority of the members-elect, the
8 President declared the bill passed and the title was agreed to.

9 SB 71: FOR AN ACT ENTITLED, An Act to allow the contract for the publication of the
10 codified laws to be extended for more than one year.

11 Was read the second time.

12 The question being "Shall SB 71 pass?"

13 And the roll being called:

14 Yeas 35, Nays 0, Excused 0, Absent 0

15 Yeas:

16 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);
17 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;
18 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;
19 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

20 So the bill having received an affirmative vote of a majority of the members-elect, the
21 President declared the bill passed and the title was agreed to.

22 SB 14: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the
23 Board of Examiners of Counselors and Marriage and Family Therapists.

24 Was read the second time.

25 The question being "Shall SB 14 pass?"

26 And the roll being called:

27 Yeas 35, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);
3 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;
4 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;
5 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 So the bill having received an affirmative vote of a majority of the members-elect, the
7 President declared the bill passed and the title was agreed to.

8 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

9 SB 34: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning
10 applications for absentee ballot and to declare an emergency.

11 Was read the second time.

12 The question being "Shall SB 34 pass?"

13 And the roll being called:

14 Yeas 35, Nays 0, Excused 0, Absent 0

15 Yeas:

16 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);
17 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;
18 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;
19 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

20 So the bill having received an affirmative vote of a two-thirds majority of the members-
21 elect, the President declared the bill passed and the title was agreed to.

22 SB 35: FOR AN ACT ENTITLED, An Act to revise the conditions for which certain
23 elections may be delayed for an emergency situation and to declare an emergency.

24 Was read the second time.

25 The question being "Shall SB 35 pass?"

26 And the roll being called:

27 Yeas 35, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);
3 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;
4 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;
5 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 So the bill having received an affirmative vote of a two-thirds majority of the members-
7 elect, the President declared the bill passed and the title was agreed to.

8 SB 48: FOR AN ACT ENTITLED, An Act to require appraisal management companies
9 to maintain a surety bond or irrevocable letter of credit.

10 Was read the second time.

11 The question being "Shall SB 48 pass?"

12 And the roll being called:

13 Yeas 35, Nays 0, Excused 0, Absent 0

14 Yeas:

15 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);
16 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;
17 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;
18 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

19 So the bill having received an affirmative vote of a majority of the members-elect, the
20 President declared the bill passed and the title was agreed to.

21 SB 52: FOR AN ACT ENTITLED, An Act to authorize the informal settlement of
22 insurance examinations.

23 Was read the second time.

24 The question being "Shall SB 52 pass?"

25 And the roll being called:

26 Yeas 35, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);
3 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;
4 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;
5 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 So the bill having received an affirmative vote of a majority of the members-elect, the
7 President declared the bill passed and the title was agreed to.

8 SB 22: FOR AN ACT ENTITLED, An Act to authorize the issuance of citations for certain
9 livestock inspection violations.

10 Was read the second time.

11 The question being "Shall SB 22 pass?"

12 And the roll being called:

13 Yeas 29, Nays 6, Excused 0, Absent 0

14 Yeas:

15 Begalka; Brown; Buhl O'Donnell; Curd; Ewing; Heineman (Phyllis); Holien; Hunhoff (Jean);
16 Jensen; Jones (Chuck); Kirkeby; Krebs; Lederman; Maher; Monroe; Novstrup (Al); Omdahl;
17 Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt; Solano; Tidemann; Tieszen; Van
18 Gerpen; Vehle; White

19 Nays:

20 Bradford; Frerichs; Jones (Tom); Lucas; Sutton; Welke

21 So the bill having received an affirmative vote of a majority of the members-elect, the
22 President declared the bill passed and the title was agreed to.

23 SB 21: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
24 collection and setting of 24/7 sobriety program fees and regarding the monitoring of ignition
25 interlock testing.

26 Was read the second time.

27 The question being "Shall SB 21 pass as amended?"

28 And the roll being called:

29 Yeas 34, Nays 1, Excused 0, Absent 0

1 Yeas:

2 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);
3 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;
4 Lucas; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
5 Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 Nays:

7 Maher

8 So the bill having received an affirmative vote of a majority of the members-elect, the
9 President declared the bill passed and the title was agreed to.

10 SB 24: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to
11 pseudoephedrine, ephedrine, or phenylpropanolamine sales.

12 Was read the second time.

13 The question being "Shall SB 24 pass as amended?"

14 And the roll being called:

15 Yeas 33, Nays 2, Excused 0, Absent 0

16 Yeas:

17 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);
18 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;
19 Lucas; Monroe; Novstrup (Al); Omdahl; Peters; Rampelberg; Rave; Rhoden; Soholt; Solano;
20 Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

21 Nays:

22 Maher; Otten (Ernie)

23 So the bill having received an affirmative vote of a majority of the members-elect, the
24 President declared the bill passed and the title was agreed to.

25 SB 27: FOR AN ACT ENTITLED, An Act to make an appropriation from the coordinated
26 natural resources conservation fund to the State Conservation Commission and to declare an
27 emergency.

28 Was read the second time.

29 The question being "Shall SB 27 pass?"

30 And the roll being called:

1 Yeas 35, Nays 0, Excused 0, Absent 0

2 Yeas:

3 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);
4 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman;
5 Lucas; Maher; Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave;
6 Rhoden; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

7 So the bill having received an affirmative vote of a two-thirds majority of the members-
8 elect, the President declared the bill passed and the title was agreed to.

9 SB 31: FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse certain
10 family physicians who have complied with the requirements of the recruitment assistance
11 program and to declare an emergency.

12 Was read the second time.

13 The question being "Shall SB 31 pass?"

14 And the roll being called:

15 Yeas 34, Nays 0, Excused 1, Absent 0

16 Yeas:

17 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);
18 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Kirkeby; Krebs; Lederman; Lucas; Maher;
19 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
20 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

21 Excused:

22 Jones (Tom)

23 So the bill having received an affirmative vote of a two-thirds majority of the members-
24 elect, the President declared the bill passed and the title was agreed to.

25 SB 32: FOR AN ACT ENTITLED, An Act to revise previous appropriations for National
26 Guard armory construction, to make an appropriation for a land purchase adjacent to the
27 Watertown armory, and to declare an emergency.

28 Was read the second time.

29 The question being "Shall SB 32 pass?"

30 And the roll being called:

1 Yeas 34, Nays 0, Excused 1, Absent 0

2 Yeas:

3 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);
4 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Kirkeby; Krebs; Lederman; Lucas; Maher;
5 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
6 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

7 Excused:

8 Jones (Tom)

9 So the bill having received an affirmative vote of a two-thirds majority of the members-
10 elect, the President declared the bill passed and the title was agreed to.

11 SB 12: FOR AN ACT ENTITLED, An Act to update references to certain federal motor
12 carrier regulations.

13 Was read the second time.

14 The question being "Shall SB 12 pass?"

15 And the roll being called:

16 Yeas 34, Nays 0, Excused 1, Absent 0

17 Yeas:

18 Begalka; Bradford; Brown; Buhl O'Donnell; Curd; Ewing; Frerichs; Heineman (Phyllis);
19 Holien; Hunhoff (Jean); Jensen; Jones (Chuck); Kirkeby; Krebs; Lederman; Lucas; Maher;
20 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
21 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

22 Excused:

23 Jones (Tom)

24 So the bill having received an affirmative vote of a majority of the members-elect, the
25 President declared the bill passed and the title was agreed to.

26 Sen. Holien moved that the Senate do now adjourn, which motion prevailed and
27 at 3:27 p.m. the Senate adjourned.

28 Jeannette Schipper, Secretary